

Chapter 23. Standards for Universal Waste Management

Article 1. General

§66273.1. Scope.

(a) This chapter establishes requirements for managing universal wastes, as defined in section 66273.9. The following universal wastes are subject to regulation pursuant to this chapter:

- (1) Batteries, as described in section 66273.2, subsection (a);
- (2) Electronic devices, as described in section 66273.3, subsection (a);
- (3) Mercury-containing equipment, as described in section 66273.4, subsection (a);
- (4) Lamps, as described in section 66273.5, subsection (a) (including, but not limited to, M003 wastes);
- (5) Cathode ray tubes, as described in section 66273.6, subsection (a);
- (6) Cathode ray tube glass, as described in section 66273.7, subsection (a); and
- (7) Aerosol cans, as specified in Health and Safety Code section 25201.16.

(b) This chapter provides an alternative set of management standards in lieu of regulation as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division. The alternative management standards of articles 1 through 3 of this chapter do not apply to destination facilities, as defined in section 66273.9, except as otherwise specified in section 66273.60, subsections (b) or (c).

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25201, 25214.9, 25219.1 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201, 25212, 25214.6, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.1.

HISTORY

1. New chapter 23 (articles 1-7), article 1 (sections 66273.1-66273.9) and section filed 3-6-2000 as an emergency; operative 3-6-2000 (Register 2000, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2000 or emergency language will be repealed by operation of law on the following day.
2. New chapter 23 (articles 1-7), article 1 (sections 66273.1-66273.9) and section refiled 6-29-2000 as an emergency; operative 7-6-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-3-2000 or emergency language will be repealed by operation of law on the following day.
3. New chapter 23 (articles 1-7), article 1 (sections 66273.1-66273.9) and section refiled 11-1-2000 as an emergency; operative 11-4-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-5-2001 or emergency language will be repealed by operation of law on the following day.
4. New chapter 23 (articles 1-7), article 1 (sections 66273.1-66273.9) and section refiled 3-6-2001 as an emergency; operative 3-6-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2001 or emergency language will be repealed by operation of law on the following day.
5. New chapter 23 (articles 1-7), article 1 (sections 66273.1-66273.9) and section refiled 6-26-2001 as an emergency; operative 7-5-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-2-2001 or emergency language will be repealed by operation of law on the following day.
6. Amendment of subsections (a)(2)-(3) and new subsection (a)(4) filed 8-3-2001 as an emergency; operative 8-3-2001 (Register 2001, No. 31). A Certificate of Compliance must be transmitted to OAL by 12-3-2001 or emergency language will be repealed by operation of law on the following day.
7. New chapter 23 (articles 1-7), article 1 (sections 66273.1-66273.9) and section refiled 11-2-2001 as an emergency; operative 11-3-2001 (Register 2001, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-4-2002 or emergency language will be repealed by operation of law on the following day.
8. Amendment of subsections (a)(2)-(3) and new subsection (a)(4) refiled 11-30-2001 as an emergency; operative 11-30-2001 (Register 2001, No. 48). A Certificate of Compliance must be transmitted to OAL by 4-2-2002 or emergency language will be repealed by operation of law on the following day.
9. Certificate of Compliance as to 11-2-2001 order transmitted to OAL 12-27-2001 and filed 2-8-2002 (Register 2002, No. 6).

10. Amendment refiled 3-26-2002 as an emergency; operative 4-12-2002 (Register 2002, No. 13). A Certificate of Compliance must be transmitted to OAL by 8-12-2002 or emergency language will be repealed by operation of law on the following day.
11. Amendment refiled 8-6-2002 as an emergency; operative 8-6-2002 (Register 2002, No. 32). A Certificate of Compliance must be transmitted to OAL by 12-4-2002 or emergency language will be repealed by operation of law on the following day.
12. Amendment refiled 11-25-2002 as an emergency; operative 12-5-2002 (Register 2002, No. 48). A Certificate of Compliance must be transmitted to OAL by 4-4-2003 or emergency language will be repealed by operation of law on the following day.
13. Certificate of Compliance as to 11-25-2002 order, including amendment of subsections (a)(3) and (a)(4), new subsections (a)(5)-(a)(7) and amendment of Note, transmitted to OAL 12-24-2002 and filed 2-3-2003 (Register 2003, No. 6).
14. Amendment of section and Note filed 2-13-2003; operative 3-15-2003 (Register 2003, No. 7).
15. Amendment of subsection (a)(5) and Note filed 6-7-2004 as an emergency; operative 6-7-2004 (Register 2004, No. 24). Pursuant to Public ResourcesCode section 42475.2, a Certificate of Compliance must be transmitted to OAL by 6-7-2006 or emergency language will be repealed by operation of law on the following day.
16. Amendment of subsection (a)(5) and Note refiled 6-5-2006 as an emergency, including further amendment of Note; operative 6-5-2006 (Register 2006, No. 23). Pursuant to Health and Safety Code section 25214.10.2, this emergency regulation shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.
17. Amendment of subsection (a)(5) and Note refiled 5-8-2008 as an emergency; operative 5-8-2008 (Register 2008, No. 19). Pursuant to Health and SafetyCode section 25214.10.2, this emergency regulation shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.
18. Certificate of Compliance as to 5-8-2008 order, including further amendment of section and Note, transmitted to OAL 12-19-2008 and filed 2-4-2009 (Register 2009, No. 6).
19. Editorial correction of History 18 (Register 2009, No. 10.)

§66273.2. Applicability--Batteries.

- (a) Batteries covered pursuant to chapter 23. The requirements of this chapter apply to persons managing batteries, as defined in section 66273.9, except those listed in subsection (b) of this section.
- (b) Batteries not covered pursuant to this chapter.
 - (1) State Regulated Batteries.
The requirements of this chapter do not apply to persons managing the following batteries:
 - (A) Automotive-type spent lead-acid storage batteries. Automotive-type spent lead-acid storage batteries shall be managed pursuant to article 7 of chapter 16 of this division. Small sealed lead-acid storage batteries are not automotive-type lead-acid storage batteries.
 - (B) Batteries that are not yet wastes pursuant to chapter 11 of this division, including those that do not meet the criteria for waste generation in subsection (c) of this section.
 - (C) Batteries that do not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11 of this division.
 - (2) Federally Regulated Batteries.
 - (A) The requirements of this chapter do not apply to persons collecting, storing or transporting batteries that are subject to subsection (a) of section 104 [42 U.S.C. §14323(a)] of the federal Mercury-Containing and Rechargeable Battery Management Act (42 U.S.C. §14301, et. seq.). The Act requires that the collection, storage, and transportation of such batteries be regulated pursuant to applicable 40 Code of Federal Regulations part 273 standards.
- (c) Generation of waste batteries.
 - (1) A used battery becomes a waste on the date it is discarded (e.g., when stored prior to being sent for reclamation).
 - (2) Unused batteries.
 - (A) An unused battery that is not a retrograde material becomes a waste on the date it is discarded (e.g., when stored prior to being sent for reclamation).
 - (B) An unused battery that is a retrograde material becomes a waste on the date that it becomes a recyclable material pursuant to subsection (e) of the definition of "recyclable materials" in section 66260.10.

NOTE: Authority cited: Sections 25141, 25150, 25219.1 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Section 273.2.

HISTORY

1. New section filed 3-6-2000 as an emergency; operative 3-6-2000 (Register 2000, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2000 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 6-29-2000 as an emergency; operative 7-6-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-3-2000 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 11-1-2000 as an emergency; operative 11-4-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-5-2001 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 3-6-2001 as an emergency; operative 3-6-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2001 or emergency language will be repealed by operation of law on the following day.
5. New section refiled 6-26-2001 as an emergency; operative 7-5-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-2-2001 or emergency language will be repealed by operation of law on the following day.
6. New section refiled 11-2-2001 as an emergency; operative 11-3-2001 (Register 2001, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-4-2002 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 11-2-2001 order transmitted to OAL 12-27-2001 and filed 2-8-2002 (Register 2002, No. 6).
8. Amendment filed 2-4-2009; operative 2-4-2009 (Register 2009, No. 6).

§66273.3. Applicability—Electronic Devices.

- (a) Electronic devices covered pursuant to chapter 23.
 - (1) The requirements of this chapter apply to persons managing electronic devices, as defined in section 66273.9, except those listed in subsection (b) of this section.
 - (2) Discarded electronic devices that are hazardous solely because the device exhibits the characteristic of toxicity specified in section 66261.24 and/or are listed in article 4.1 of chapter 11 of this division may be managed as a universal waste.
- (b) Electronic devices not covered pursuant to this chapter.

The requirements of this chapter do not apply to persons managing the following electronic devices:

 - (1) Electronic devices that are not yet wastes pursuant to chapter 11 of this division. Subsection (c) of this section describes when electronic devices become wastes.
 - (2) Electronic devices that do not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11 and that are not otherwise identified as hazardous waste pursuant to chapter 11 of this division.
 - (3) Electronic devices that exhibit any characteristic of a hazardous waste other than the characteristic of toxicity. Such electronic devices shall be managed as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.
 - (4) Electronic devices that are destined for recycling (or are recycled by being "used in a manner constituting disposal," as described in section 66266.20, or that are destined for disposal or are disposed to a class I landfill. Such electronic devices shall be managed as hazardous waste pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.
 - (5) Electronic devices that are managed as hazardous waste pursuant to chapters 10 through 16, 18, and 20 through 22 of this division;
 - (6) Electronic devices that were previously identified as wastes pursuant to chapter 11, but are no longer identified as a waste (e.g., a discarded electronic device that is refurbished and is returned to service).
- (c) Generation of waste electronic devices.
 - (1) A used electronic device becomes a waste on the date it is discarded (e.g., when stored prior to being sent for reclamation).
 - (2) Unused electronic devices.
 - (A) An unused electronic device that is not a retrograde material becomes a waste on the date it is discarded (e.g., when stored prior to being sent for reclamation).
 - (B) An unused electronic device that is a retrograde material becomes a waste on the date that it becomes a

recyclable material pursuant to subsection (e) of the definition of “recyclable materials” in section 66260.10.

(d) A respondent in an action to enforce regulations implementing this division who claims that an electronic device is not a waste bears the burden of demonstrating that there is a known market or disposition for its use as an electronic device.

Note: Authority cited: Sections 25141, 25150, 25150.6, 25201, 25214.9 and 58012, Health and Safety Code; and Sections 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201 and 25214.9, Health and Safety Code.

HISTORY

1. New section filed 2-3-2003; operative 2-3-2003 (Register 2003, No. 6).
2. Amendment of section heading, section and Note filed 6-7-2004 as an emergency; operative 6-7-2004 (Register 2004, No. 24). Pursuant to Public Resources Code section 42475.2, a Certificate of Compliance must be transmitted to OAL by 6-7-2006 or emergency language will be repealed by operation of law on the following day.
3. Amendment of section heading, section and Note refiled 6-5-2006 as an emergency, including further amendment of Note; operative 6-5-2006 (Register 2006, No. 23). Pursuant to Health and Safety Code section 25214.10.2, this emergency regulation shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.
4. Amendment of section heading, section and Note refiled 5-8-2008 as an emergency; operative 5-8-2008 (Register 2008, No. 19). Pursuant to Health and Safety Code section 25214.10.2, this emergency regulation shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.
5. Certificate of Compliance as to 5-8-2008 order, including further amendment of section and Note, transmitted to OAL 12-19-2008 and filed 2-4-2009 (Register 2009, No. 6).
6. Editorial correction of History 5 (Register 2009, No. 10.)

§66273.4. Applicability—Mercury-Containing Equipment.

(a) Mercury-containing equipment covered pursuant to chapter 23. Except as provided in subsection (b) of this section, the requirements of this chapter apply to persons managing the following mercury-containing equipment:

- (1) Thermostats, as defined in section 66273.9.
- (2) Mercury switches:
 - (A) Mercury-containing motor vehicle light switches, as defined in section 66273.9, that meet listing description M001 in section 66261.50, motor vehicles that contain such switches, and portions of motor vehicles that contain such switches;
 - (B) Non-automotive mercury switches, as defined in section 66273.9, that meet listing description M002 in section 66261.50, and products that contain such switches.
- (3) Dental amalgam, as defined in section 66273.9.
- (4) Pressure or vacuum gauges, as defined in section 66273.9.
- (5) Mercury-added novelties, as defined in section 66273.9 that meet listing description M004 in section 66261.50.
- (6) Mercury counterweights and dampers, as defined in section 66273.9, and products containing mercury counterweights and dampers.
- (7) Thermometers, as defined in section 66273.9.
- (8) Dilators and weighted tubing, as defined in section 66273.9.
- (9) Mercury-containing rubber flooring, as defined in section 66273.9.
- (10) Gas flow regulators, as defined in section 66273.9.

(b) Mercury-containing equipment not covered pursuant to this chapter. The requirements of this chapter do not apply to persons managing the following mercury-containing equipment:

- (1) Mercury-containing equipment that is not yet a waste pursuant to chapter 11 of this division. Subsection (c) of this section describes when mercury-containing equipment becomes a waste.
- (2) Mercury-containing equipment that does not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11 and is not listed in article 4.1 of chapter 11 of this division.
- (3) Mercury-containing equipment from which the mercury-containing components have been removed (e.g., motor vehicles, motor vehicle switches, novelties). (If it exhibits a characteristic of a hazardous waste in article 3 of chapter 11, such equipment is regulated as a hazardous waste pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.)
- (4) Switches that do not contain mercury. (If they exhibit a characteristic of a hazardous waste in article 3 of chapter 11, such switches are regulated as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.)

(5) Waste mercury-containing equipment other than thermostats, mercury-added novelties containing no liquid mercury, and mercury-containing rubber flooring, that is destined for disposal or is disposed to a class I landfill. Such mercury-containing equipment is regulated as a hazardous waste pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.

(6) Waste motor vehicles, portions of motor vehicles, appliances, and portions of appliances from which all mercury light switches have not been removed (other than switches that cannot be removed due to accidental damage to the vehicle), and that are crushed, baled, sheared, or shredded. (If they exhibit a characteristic of a hazardous waste in article 3 of chapter 11, such motor vehicles, portions of motor vehicles, appliances, or portions of appliances are regulated as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.)

(7) Empty used dental-amalgam capsules. (If they exhibit a characteristic of a hazardous waste in article 3 of chapter 11, such dental-amalgam capsules are regulated as hazardous wastes pursuant to chapters 10 through 22 of this division.)

(8) Waste thermometers that do not use the expansion and contraction of a column of mercury to measure temperature. (If they exhibit a characteristic of a hazardous waste in article 3 of chapter 11, such thermometers are regulated as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.)

(c) Generation of waste mercury-containing equipment.

(1) Used mercury-containing equipment becomes a waste on the date it is discarded (e.g., when stored prior to being sent for reclamation) or, for M001 portions of motor vehicles, when the M001 portion is first removed from the motor vehicle.

(2) Unused mercury-containing equipment.

(A) Unused mercury-containing equipment that is not a retrograde material becomes a waste on the date it is discarded (e.g., when stored prior to being sent for reclamation).

(B) Unused mercury-containing equipment that is a retrograde material becomes a waste on the date that it becomes a recyclable material pursuant to subsection (e) of the definition of "recyclable materials" in section 66260.10.

(3) A motor vehicle from which any mercury-containing light switches have not been removed becomes a waste on the date the decision is made to crush, bale, shear, or shred it.

(4) Dental-amalgam particles contained in reusable chair side traps, reusable vacuum pump filters, and dental-amalgam separators become wastes on the date they are removed from these traps, filters, and separators.

(5) An unused mercury counterweight or damper, or an unused product containing one or more mercury counterweights or dampers, becomes a waste on the date the decision is made to discard it.

NOTE: Authority cited: Sections 25141, 25150, 25150.6 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code; 40 CFR Section 273.4.

HISTORY

1. New section filed 3-6-2000 as an emergency; operative 3-6-2000 (Register 2000, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2000 or emergency language will be repealed by operation of law on the following day.

2. New section refiled 6-29-2000 as an emergency; operative 7-6-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-3-2000 or emergency language will be repealed by operation of law on the following day.

3. New section refiled 11-1-2000 as an emergency; operative 11-4-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-5-2001 or emergency language will be repealed by operation of law on the following day.

4. New section refiled 3-6-2001 as an emergency; operative 3-6-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2001 or emergency language will be repealed by operation of law on the following day.

5. New section refiled 6-26-2001 as an emergency; operative 7-5-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-2-2001 or emergency language will be repealed by operation of law on the following day.

6. New section refiled 11-2-2001 as an emergency; operative 11-3-2001 (Register 2001, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-4-2002 or emergency language will be repealed by operation of law on the following day.

7. Certificate of Compliance as to 11-2-2001 order transmitted to OAL 12-27-2001 and filed 2-8-2002 (Register 2002, No. 6).

8. Amendment of subsection (a) and amendment of Note filed 2-3-2003; operative 2-3-2003 (Register 2003, No. 6).

9. Amendment of section heading and section filed 2-4-2009; operative 2-4-2009 (Register 2009, No. 6).

§66273.5. Applicability--Lamps.

(a) Lamps covered pursuant to chapter 23. Except as provided in subsection (b) of this section, the requirements of this chapter apply to persons managing the following:

(1) Lamps, as defined in section 66273.9, that exhibit a characteristic of a hazardous waste, as set forth in article 3 of chapter 11 of this division;

(2) Mercury-added lamps, as defined in section 66273.9, that meet listing description M003 in section 66261.50; and/or

(3) Products that contain lamps and/or mercury-added lamps.

(b) Lamps not covered pursuant to this chapter. The requirements of this chapter do not apply to persons managing the following:

(1) Lamps that are not yet wastes pursuant to chapter 11 of this division as provided in subsection (c) of this section.

(2) Lamps that do not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11 of this division and do not contain mercury (i.e., lamps that do not meet the listing description for M003 wastes in section 66261.50).

(3) Lamps which are destined for disposal or are disposed to a class I landfill. Such lamps are regulated as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.

(4) Vehicles that contain mercury-added lamps, unless such vehicles exhibit a characteristic of a hazardous waste, as set forth in article 3 of chapter 11 of this division.

(5) Waste motor vehicles from which all mercury-added lamps have not been removed that are crushed, baled, sheared, or shredded. If they exhibit a characteristic of a hazardous waste in article 3 of chapter 11, such motor vehicles are regulated as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division.

(c) Generation of waste lamps.

(1) A used lamp becomes a waste on the date it is discarded (e.g., when stored prior to being sent for reclamation).

(2) Unused lamps.

(A) An unused lamp that is not a retrograde material becomes a waste on the date it is discarded (e.g., when stored prior to being sent for reclamation).

(B) An unused lamp that is a retrograde material becomes a waste on the date that it becomes a recyclable material pursuant to subsection (e) of the definition of "recyclable materials" in section 66260.10.

NOTE: Authority cited: Sections 25141, 25150 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5 and 25179.4, Health and Safety Code; 40 CFR Section 273.5.

HISTORY

1. New section filed 3-6-2000 as an emergency; operative 3-6-2000 (Register 2000, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2000 or emergency language will be repealed by operation of law on the following day.

2. New section refiled 6-29-2000 as an emergency; operative 7-6-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-3-2000 or emergency language will be repealed by operation of law on the following day.

3. New section refiled 11-1-2000 as an emergency; operative 11-4-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-5-2001 or emergency language will be repealed by operation of law on the following day.

4. New section refiled 3-6-2001 as an emergency; operative 3-6-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2001 or emergency language will be repealed by operation of law on the following day.

5. New section refiled 6-26-2001 as an emergency; operative 7-5-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-2-2001 or emergency language will be repealed by operation of law on the following day.

6. New section refiled 11-2-2001 as an emergency; operative 11-3-2001 (Register 2001, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-4-2002 or emergency language will be repealed by operation of law on the following day.

7. Certificate of Compliance as to 11-2-2001 order, including new subsection (b)(3) and amendment of Note, transmitted to OAL 12-27-2001 and filed 2-8-2002 (Register 2002, No. 6).

8. Editorial correction of History 7 (Register 2002, No. 10).

9. Amendment filed 2-13-2003; operative 3-15-2003 (Register 2003, No. 7).

10. Amendment filed 2-4-2009; operative 2-4-2009 (Register 2009, No. 6).

§66273.6. Applicability—Cathode Ray Tubes (CRTs).

(a) CRTs covered pursuant to chapter 23. The requirements of this chapter apply to CRTs, as defined in section 66273.9, except those listed in subsection (b) of this section.

(b) CRTs not covered pursuant to this chapter. The requirements of this chapter do not apply to the following CRTs:

- (1) CRTs that are not yet wastes pursuant to chapter 11 as provided in subsection (c) of this section;
- (2) CRTs that do not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11 of this division;
- (3) CRTs that are destined for recycling (or are recycled) by being “used in a manner constituting disposal,” as described in section 66266.20, or that are destined for disposal (or are disposed) to a class I landfill. Such CRTs shall be managed as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division;
- (4) CRTs that are managed as hazardous wastes pursuant to chapters 10 through 16, 18, and 20 through 22 of this division;
- (5) CRTs that were previously wastes pursuant to chapter 11 of this division, but are no longer wastes (e.g., a discarded CRT that is refurbished and is returned to service).

(c) Generation of waste CRTs.

A CRT becomes a waste on the date when the earlier of the following occurs:

- (1) The owner discards the CRT; or
 - (2) The CRT is physically cracked, broken, or shattered.
- (3) Unused CRTs.
- (A) An unused CRT that is not a retrograde material becomes a waste on the date it is discarded (e.g., when stored prior to being sent for reclamation).
- (B) An unused CRT that is a retrograde material becomes a waste on the date that it becomes a recyclable material pursuant to subsection (e) of the definition of “recyclable materials” in section 66260.10.

Note: Authority cited: Sections 25141, 25150, 25150.6, 25201, 25214.9 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201 and 25214.9, Health and Safety Code.

HISTORY

1. New section filed 8-3-2001 as an emergency; operative 8-3-2001 (Register 2001, No. 31). A Certificate of Compliance must be transmitted to OAL by 12-3-2001 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 11-30-2001 as an emergency; operative 11-30-2001 (Register 2001, No. 48). A Certificate of Compliance must be transmitted to OAL by 4-2-2002 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-26-2002 as an emergency; operative 4-12-2002 (Register 2002, No. 13). A Certificate of Compliance must be transmitted to OAL by 8-12-2002 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 8-6-2002 as an emergency; operative 8-6-2002 (Register 2002, No. 32). A Certificate of Compliance must be transmitted to OAL by 12-4-2002 or emergency language will be repealed by operation of law on the following day.
5. New section refiled 11-25-2002 as an emergency; operative 12-5-2002 (Register 2002, No. 48). A Certificate of Compliance must be transmitted to OAL by 4-4-2003 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11-25-2002 order, including amendment of subsections (a), (b) and (b)(5) and amendment of Note, transmitted to OAL 12-24-2002 and filed 2-3-2003 (Register 2003, No. 6).
7. Amendment of Note filed 6-7-2004 as an emergency; operative 6-7-2004 (Register 2004, No. 24). Pursuant to Public Resources Code section 42475.2, a Certificate of Compliance must be transmitted to OAL by 6-7-2006 or emergency language will be repealed by operation of law on the following day.
8. Amendment of Note refiled 6-5-2006 as an emergency, including further amendment of Note; operative 6-5-2006 (Register 2006, No. 23). Pursuant to Health and Safety Code section 25214.10.2, this emergency regulation shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.
9. Amendment of Note refiled 5-8-2008 as an emergency; operative 5-8-2008

(Register 2008, No. 19). Pursuant to

Health and Safety Code section 25214.10.2, this emergency regulation shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.

10. Certificate of Compliance as to 5-8-2008 order, including further amendment of section heading, section and Note, transmitted to OAL 12-19-2008 and filed 2-4-2009 (Register 2009, No. 6).

11. Editorial correction of History 10 (Register 2009, No. 10.)

§66273.7. Applicability – Cathode Ray Tube (CRT) Glass.

(a) CRT glass covered pursuant to chapter 23. The requirements of this chapter apply to CRT glass, as defined in section 66273.9, except CRT glass listed in subsection (b) of this section.

(b) CRT glass not covered pursuant to this chapter. The requirements of this chapter do not apply to the following CRT glass:

(1) CRT glass that is not yet a waste pursuant to chapter 11 of this division as provided in subsection (c) of this section;

(2) CRT glass that does not exhibit a characteristic of a hazardous waste as set forth in article 3 of chapter 11 of this division;

(3) CRT glass that is destined for recycling (or is recycled) by being “used in a manner constituting disposal,” as described in section 66266.20, or that is destined for disposal (or is disposed) to a class I landfill. Such CRT glass shall be managed as a hazardous waste pursuant to chapters 10 through 16, 18, and 20 through 22 of this division; and

(4) CRT glass that is managed as a hazardous waste pursuant to chapters 10 16, 18, and 20 through 22 of this division.

(c) Generation of waste CRT glass.

(1) CRT glass becomes a waste on the date when CRT glass is released or derived from a CRT or a CRT device.

(2) Unused CRT glass.

(A) Unused CRT glass that is not a retrograde material becomes a waste on the date it is discarded (e.g., when stored prior to being sent for reclamation).

(B) Unused CRT glass that is a retrograde material becomes a waste on the date that it becomes a recyclable material pursuant to subsection (e) of the definition of “recyclable materials” in section 66260.10.

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25201, 25214.9 and 58012, Health and Safety Code; and Section 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201 and 25214.9, Health and Safety Code.

HISTORY

1. New section filed 2-4-2009; operative 2-4-2009 (Register 2009, No. 6).

§66273.7.1. [Reserved.]

NOTE: Authority cited: Sections 25141, 25150, 25214.6 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5 and 25214.6, Health and Safety Code.

HISTORY

1. New section filed 2—13—2003; operative 3—15—2003 (Register 2003, No. 7).

2. Repealer filed 2-4-2009; operative 2-4-2009 (Register 2009, No. 6).

§66273.7.2. [Reserved.]

NOTE: Authority cited: Sections 25141, 25150 and 58012, Health and Safety Code. Reference: Sections 25141, 25150, 25159.5 and 25212, Health and Safety Code.

HISTORY

1. New section filed 2-13-2003; operative 3-15-2003 (Register 2003, No. 7).

2. Repealer filed 2-4-2009; operative 2-4-2009 (Register 2009, No. 6).

§66273.7.3. [Reserved.]

NOTE: Authority cited: Sections 25141, 25150 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.

HISTORY

1. New section filed 2-13-2003; operative 3-15-2003 (Register 2003, No. 7).

2. Repealer filed 2-4-2009; operative 2-4-2009 (Register 2009, No. 6).

§ 66273.7.4. [Reserved.]

Note: Authority cited: Sections 25141, 25150 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.

HISTORY

1. New section filed 2-13-2003; operative 3-15-2003 (Register 2003, No. 7).
2. Repealer filed 2-4-2009; operative 2-4-2009 (Register 2009, No. 6).

§66273.7.5. [Reserved.]

Note: Authority cited: Sections 25141, 25150 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.

HISTORY

1. New section filed 2-13-2003; operative 3-15-2003 (Register 2003, No. 7).
2. Repealer filed 2-4-2009; operative 2-4-2009 (Register 2009, No. 6).

§66273.7.6. [Reserved.]

Note: Authority cited: Sections 25141, 25150 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.

HISTORY

1. New section filed 2-13-2003; operative 3-15-2003 (Register 2003, No. 7).
2. Repealer filed 2-4-2009; operative 2-4-2009 (Register 2009, No. 6).

§66273.7.7. [Reserved.]

NOTE: Authority cited: Sections 25141, 25150 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.

HISTORY

1. New section filed 2-13-2003; operative 3-15-2003 (Register 2003, No. 7).
2. Repealer filed 2-4-2009; operative 2-4-2009 (Register 2009, No. 6).

§66273.7.8. [Reserved.]

Note: Authority cited: Sections 25141, 25150 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.

HISTORY

1. New section filed 2-13-2003; operative 3-15-2003 (Register 2003, No. 7).
2. Repealer filed 2-4-2009; operative 2-4-2009 (Register 2009, No. 6).

§66273.7.9. [Reserved.]

Note: Authority cited: Sections 25141, 25150 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.

HISTORY

1. New section filed 2-13-2003; operative 3-15-2003 (Register 2003, No. 7).
2. Repealer filed 2-4-2009; operative 2-4-2009 (Register 2009, No. 6).

§66273.7.10. [Reserved.]

Note: Authority cited: Sections 25141, 25150 and 58012, Health and Safety Code. Reference: Sections 25141, 25150 and 25159.5, Health and Safety Code.

HISTORY

1. New section filed 2-13-2003; operative 3-15-2003 (Register 2003, No. 7).
2. Repealer filed 2-4-2009; operative 2-4-2009 (Register 2009, No. 6).

§66273.8. Exemptions.

(a) Household universal waste generator exemption.

A person who maintains a household, as defined in section 66273.9, and who produces universal waste derived from that household, is a generator, as defined in section 66273.9, of household universal waste. Such a generator is exempt from the requirements of this chapter applicable to a universal waste handler, as defined in section 66273.9, with respect to the management of that generator's household universal waste, provided that:

- (1) The generator does not dispose of the universal waste;
- (2) The universal waste is relinquished to another universal waste handler, a universal waste transporter (e.g., for curbside collection), a destination facility, or an authorized curbside household hazardous waste collection program;
- (3) The generator does not treat the universal waste, except as follows:
 - (A) The generator treats the universal waste pursuant to one or more of the following provisions of this chapter and complies with subsection (a)(3)(B) of this section:
 1. Section 66273.33, subsections (a)(2), (b)(3), (c)(5)(C)1.a., and/or (c)(7) as referenced in section 66273.33, subsections (c)(4)(B)2., (c)(5)(B)2.b., and/or (c)(5)(C)4.b.; and/or
 2. Sections: 66273.71, subsection (b); 66273.72, subsections (b)(1), (c)(1), (d)(1), and/or (e)(1).
 - (B) The generator ensures that all materials produced from treating the universal waste are properly classified and managed in accordance with any applicable requirements of this division.
- (b) Conditionally exempt small quantity universal waste generator exemption.

A conditionally exempt small quantity universal waste generator, as defined in section 66273.9, is exempt from the requirements of this chapter applicable to a universal waste handler, as defined in section 66273.9, with respect to the management of that generator's universal waste, provided the conditions set forth in subsections (a)(1) through (a)(3) of this section are met.

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25201, 25214.9, 25219.1 and 58012, Health and Safety Code; and Sections 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Sections 261.4, 261.5 and 273.8.

HISTORY

1. New section filed 3-6-2000 as an emergency; operative 3-6-2000 (Register 2000, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2000 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 6-29-2000 as an emergency; operative 7-6-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-3-2000 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 11-1-2000 as an emergency; operative 11-4-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-5-2001 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 3-6-2001 as an emergency; operative 3-6-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2001 or emergency language will be repealed by operation of law on the following day.
5. New section refiled 6-26-2001 as an emergency; operative 7-5-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-2-2001 or emergency language will be repealed by operation of law on the following day.
6. Amendment of section heading and section filed 8-3-2001 as an emergency; operative 8-3-2001 (Register 2001, No. 31). A Certificate of Compliance must be transmitted to OAL by 12-3-2001 or emergency language will be repealed by operation of law on the following day.
7. New section refiled 11-2-2001 as an emergency; operative 11-3-2001 (Register 2001, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-4-2002 or emergency language will be repealed by operation of law on the following day.
8. Amendment of section heading and section refiled 11-30-2001 as an emergency; operative 11-30-2001 (Register 2001, No. 48). A Certificate of Compliance must be transmitted to OAL by 4-2-2002 or emergency language will be repealed by operation of law on the following day.
9. Certificate of Compliance as to 11-2-2001 order, including amendment of section and Note, transmitted to OAL 12-27-2001 and filed 2-8-2002 (Register 2002, No. 6).
10. Amendment of section heading and section refiled 3-26-2002 as an emergency; operative 4-12-2002 (Register 2002, No. 13). A Certificate of Compliance must be transmitted to OAL by 8-12-2002 or emergency language will be repealed by operation of law on the following day.
11. Amendment of section heading and section refiled 8-6-2002 as an emergency; operative 8-6-2002 (Register 2002, No. 32). A Certificate of Compliance must be transmitted to OAL by 12-4-2002 or emergency language will be repealed by operation of law on the following day.
12. Amendment of section heading and section refiled 11-25-2002 as an emergency; operative 12-5-2002 (Register 2002, No. 48). A Certificate of Compliance must be transmitted to OAL by 4-4-2003 or emergency language will be repealed by operation of law on the following day.
13. Certificate of Compliance as to 11-25-2002 order, including further amendment of section heading and section, transmitted to OAL 12-24-2002 and filed 2-3-2003 (Register 2003, No. 6).
14. Amendment of subsection (c)(1) and new subsections (c)(1)(A)-(C) filed 2-13-2003; operative 3-15-2003 (Register 2003, No. 7).
15. Amendment of subsections (a)(1) and (a)(4) and Note filed 6-7-2004 as an emergency; operative 6-7-2004 (Register 2004, No. 24). Pursuant to

PublicResources Code section 42475.2, a Certificate of Compliance must be transmitted to OAL by 6-7-2006 or emergency language will be repealed by operation of law on the following day.

16. Amendment of subsections (a)(1) and (a)(4) and Note refiled 6-5-2006 as an emergency, including further amendment of Note; operative 6-5-2006 (Register 2006, No. 23). Pursuant to Health and Safety Code section 25214.10.2, this emergency regulation shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.

17. Amendment of subsections (a)(1) and (a)(4) and Note refiled 5-8-2008 as an emergency; operative 5-8-2008 (Register 2008, No. 19). Pursuant to Health and Safety Code section 25214.10.2, this emergency regulation shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.

18. Certificate of Compliance as to 5-8-2008 order, including further amendment of section and Note, transmitted to OAL 12-19-2008 and filed 2-4-2009 (Register 2009, No. 6).

19. Editorial correction of History 18 (Register 2009, No. 10.)

§66273.9. Definitions.

When used in this chapter, the terms listed in this section have the meanings given below. Unless otherwise specified, listed terms that cross-reference the definitions of other listed terms refer to the definitions set forth in this section for those other terms. Terms that are also defined in chapter 10 of this division are duplicated here solely for convenience of the regulated community. Terms used in this chapter that are not defined in this section but are defined in chapter 10 of this division and/or chapter 6.5 of division 20 of the Health and Safety Code have the meanings given in those sources.

“Ampule” means an airtight vial made of glass, plastic, metal, or any combination of these materials.

“Battery” means a device consisting of one or more electrically connected electrochemical cells that is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, a cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

“Cathode ray tube” means a vacuum tube or picture tube used to convert an electrical signal into a visual image.

“Closure” means the act of closing a universal waste handler’s facility pursuant to the requirements of article 7 of this chapter.

“Battery” means a device consisting of one or more electrically connected electrochemical cells which is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

“Cathode ray tube” or “CRT” means a vacuum tube or picture tube used to convert an electrical signal into a visual image.

“Conditionally exempt small quantity universal waste generator” means a generator of universal waste who:

(a) generates no more than 100 kilograms (220 pounds) of RCRA hazardous wastes, including universal wastes that are RCRA hazardous wastes, and no more than 1 kilogram (2.2 pounds) of acutely hazardous waste in any calendar month; and

(b) remains in compliance with 40 CFR section 261.5.

“CESQUWG” see “Conditionally exempt small quantity universal waste generator.”

“CRT” see “Cathode ray tube.”

“CRT device” means any electronic device that contains one or more CRTs including, but not limited to, computer monitors, televisions, cash registers and oscilloscopes.

“CRT glass” means any glass released or derived from the treatment or breakage of one or more CRTs or CRT devices and subsequently reclaimed at a CRT glass manufacturer, or a primary or secondary lead smelter.

“Current closure cost estimate” means the most recent of the estimates prepared in accordance with article 7 of this chapter.

“Dental amalgam” means dental amalgam chunks, dental amalgam fines, mixtures containing dental amalgam fines, single-use dental amalgam traps that contain dental amalgam, dental amalgam sludge, vacuum pump filters that contain dental amalgam, and extracted teeth with amalgam restorations.

“Destination facility” means a facility that treats, disposes of, or recycles a particular category of universal waste pursuant to section 66273.60. A facility at which a particular category of universal waste is only accumulated, is not a destination facility for purposes of managing that category of universal waste.

“Dilators and weighted tubing” means mercury-containing dilators and weighted tubing used in medical procedures. “Dilators and weighted tubing” include, but are not limited to, bougie tubes, Canter tubes, and Miller-Abbot tubes.

“Electronic device” means any electronic device that is identified as hazardous waste because it either

exhibits the characteristic of toxicity as specified in article 3 of chapter 11 of this division, and/or is a listed hazardous waste as specified in article 4.1 of chapter 11 of this division. Examples of electronic devices include: computer monitors, televisions, cash registers and oscilloscopes (CRT devices), computers, computer peripherals, telephones, answering machines, radios, stereo equipment, tape players/recorders, phonographs, video cassette players/recorders, compact disc players/recorders, calculators, and some appliances. Electronic device does not mean a major appliance, as defined in Public Resources Code section 42166, or other devices which are comprised largely of metals, qualify as "scrap metal" as defined in section 66260.10, and are recycled.

"Flame sensor" means a device, usually found in a gas-fired appliance, that uses the expansion and contraction of liquid mercury contained in a probe to open and shut a valve.

"Foreign Destination" means the ultimate recycling, treatment or disposal facility in a receiving country to which universal waste will be sent.

"Gas flow regulator" means a piece of mercury-containing equipment used to regulate the flow of gas through a gas meter.

"Gauge" see "Pressure or vacuum gauge."

"Generator" means:

(a) Any person, by site, whose act or process produces hazardous waste identified or listed in chapter 11 of this division or whose act first causes a hazardous waste to become subject to regulation.

(b) Any person, by site, whose act or process produces universal waste or whose act first causes a universal waste to become subject to regulation.

"Handler of universal waste" see "Universal waste handler."

"Household" means a single detached residence or a single unit of a multiple residence unit and all appurtenant structures. For the purposes of this section, household does not mean a hotel, motel, bunkhouse, ranger station, crew quarters, campground, picnic ground, or day-use recreation facility.

"Lamp" means the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infra-red regions of the electromagnetic spectrum. Examples of common lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps.

"Management" means the handling, storage, transportation, processing, treatment, recovery, recycling, transfer and disposal of hazardous waste (including universal waste).

"Mercury-added lamp" means a lamp to which elemental mercury has been added as an essential part of the manufacturing process used to create that lamp. Examples of common mercury-added lamps include, but are not limited to, fluorescent lamps and mercury vapor lamps.

"Mercury-added novelty" means a mercury-added product intended mainly for personal or household enjoyment or adornment. A "mercury-added novelty" includes, but is not limited to, any item intended for use as a practical joke, figurine, adornment, toy, game, card, ornament, yard statue or figure, candle, jewelry, holiday decoration, and item of apparel, including footwear.

"Mercury-containing equipment" means a thermostat, mercury switch, thermometer, dental amalgam, pressure or vacuum gauge, mercury-added novelty, mercury counterweight and damper, dilator and weighted tubing, mercury-containing rubber flooring, and gas flow regulator.

"Mercury-containing motor vehicle light switch" means any light switch found in the hood or in the trunk lid of a motor vehicle, if the light switch contains mercury.

"Mercury-containing motor vehicle switch" means any motor vehicle switch that contains mercury including, but not limited to, a mercury-containing motor vehicle light switch.

"Mercury-containing rubber flooring" means any rubber flooring material formulated with intentionally added mercury.

"Mercury counterweights and dampers" means enclosed devices that use liquid mercury for weight or dampening; "mercury counterweights and dampers" includes, but is not limited to, a mercury bow stabilizer used in archery, a mercury recoil suppressor used in shooting, and a mercury counterweight used in a clock.

"Mercury gas flow regulator" see "Gas flow regulator."

"Mercury switch" means an electrical switch that employs mercury to make an electrical contact. "Mercury switch" includes, but is not limited to, the following mercury-containing switches: mercury-containing motor vehicle switches, tilt switches, vibration-sensing switches, off-balance switches, float switches, silent light switches, and relays.

"Mercury thermometer" see "Thermometer."

"Non-automotive mercury switch" means any mercury switch other than a mercury-containing motor vehicle switch.

"Offsite" means any site which is not onsite.

"Onsite" means the same or geographically contiguous property which may be divided by public or private right-of-way, provided that the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along the right-of-way. Non-contiguous properties owned by the same person but connected by a right-of-way which the person controls and to which the public does not have access, are also considered onsite property.

"Pressure or vacuum gauge" means any device in which pressure or vacuum is measured using the height of a column of liquid mercury. "Pressure or vacuum gauge" includes, but is not limited to, barometers, manometers, and sphygmomanometers.

"Producer" see "Generator."

"Scrap metal" means (a) any one or more of the following, except as provided in subsection (b) of this section:

- (1) manufactured, solid metal objects and products;
- (2) metal workings, including cuttings, trimmings, stampings, grindings, shavings and sandings;
- (3) solid metal residues of metal production; or
- (4) printed circuit boards that are recycled [except for printed circuit boards referenced in subsec. (b)(7) of this section].

(b) "Scrap metal" excludes all of the following:

- (1) lead-acid storage batteries, waste elemental mercury, and water-reactive metals such as sodium, potassium and lithium;
- (2) magnesium borings, trimmings, grindings, shavings and sandings and any other forms capable of producing independent combustion;
- (3) beryllium borings, trimmings, grindings, shavings, sandings and any other forms capable of producing adverse health effects or environmental harm in the opinion of the Department;
- (4) any metal contaminated with a hazardous waste, such that the contaminated metal exhibits any characteristic of a hazardous waste under article 3 of chapter 11 of this division;
- (5) any metal contaminated with an oil that is a hazardous waste and that is free-flowing;
- (6) sludges, fine powders, semi-solids and liquid solutions that are hazardous wastes; and
- (7) Any printed circuit board that has been removed from a universal waste electronic device by a universal waste handler as a result of the handler's conduct of activities authorized by sections 66273.71, 66273.72, and/or 66273.73 of chapter 23 of this division and is subject to management as a hazardous waste pursuant to sections 66273.71, 66273.72 and/or 66273.73.

"Thermometer" means any thermometer that uses the expansion and contraction of a column of mercury to measure temperature.

"Thermostat" means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element, and mercury-containing ampules that have been removed from these temperature control devices in compliance with the requirements of section 66273.33(c)(5).

"Treatment" or "treat" or "treating" means any method, technique, or process which changes or is designed to change the physical, chemical, or biological character or composition of any hazardous waste or any material contained therein, or removes or reduces its harmful properties or characteristics for any purpose including, but not limited to, energy recovery, material recovery or reduction in volume.

"Universal waste" means any of the wastes that are listed in section 66261.9.

"Universal waste dental amalgam" see "Dental amalgam."

"Universal waste dilators and weighted tubing" see "Dilators and weighted tubing."

"Universal waste gas flow regulator" see "Gas flow regulator."

"Universal waste gauge" see "Pressure or vacuum gauge."

"Universal waste handler":

(a) Means:

- (1) A generator (as defined in section 66260.10 and this section) of universal waste; or
- (2) The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates universal waste, and sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination; or
- (3) The owner or operator of a facility who is authorized to treat universal waste pursuant to article 7 of this chapter.

(b) Does not mean:

- (1) A person who treats or recycles (except as allowed/authorized in this chapter), or disposes of, universal waste; or
- (2) A person engaged in the offsite transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility; or
- (3) The owner or operator of a destination facility.

"Universal waste lamp" see "Lamp."

"Universal waste mercury counterweights and dampers" see "Mercury counterweights and dampers."

"Universal waste mercury switch" see "Mercury switch."

"Universal waste rubber flooring" see "Mercury-containing rubber flooring."

"Universal waste thermometer" see "Thermometer."

"Universal waste transfer facility" means any transportation-related facility including loading docks, parking areas, storage areas and other similar areas where shipments of universal waste are held during the normal course of transportation for ten days or less.

"Universal waste transporter" means a person engaged in the offsite transportation of universal waste by air, rail, highway, or water.

"Universal waste treatment unit" means a contiguous area of a universal waste handler's facility on or in which universal waste is managed pursuant to section 66273.73, subsection (a)(2) or section 66273.73, subsection (b). Examples of universal waste treatment units include a disassembly or removal area, a shredder and associated equipment, a glass crusher, an accumulation area, or a container staging or storage area. A container alone does not constitute a universal waste treatment unit. A universal waste treatment unit includes containers and the land or pad upon which they are placed.

NOTE: Authority cited: Sections 25141, 25150, 25214.6, 25150.6, 25201, 25214.9, 25219.1 and 58012, Health and Safety Code; and Sections 42475, Public Resources Code. Reference: Sections 25141, 25150, 25159.5, 25201, 25212, 25214.6, 25214.9, 25219, 25219.1 and 25219.2, Health and Safety Code; 40 CFR Sections 261.4, 261.5 and 273.9.

HISTORY

1. New section filed 3-6-2000 as an emergency; operative 3-6-2000 (Register 2000, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2000 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 6-29-2000 as an emergency; operative 7-6-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-3-2000 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 11-1-2000 as an emergency; operative 11-4-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-5-2001 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 3-6-2001 as an emergency; operative 3-6-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2001 or emergency language will be repealed by operation of law on the following day.
5. New section refiled 6-26-2001 as an emergency; operative 7-5-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-2-2001 or emergency language will be repealed by operation of law on the following day.
6. Amendment filed 8-3-2001 as an emergency; operative 8-3-2001 (Register 2001, No. 31). A Certificate of Compliance must be transmitted to OAL by 12-3-2001 or emergency language will be repealed by operation of law on the following day.
7. New section refiled 11-2-2001 as an emergency; operative 11-3-2001 (Register 2001, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-4-2002 or emergency language will be repealed by operation of law on the following day.
8. Amendment refiled 11-30-2001 as an emergency; operative 11-30-2001 (Register 2001, No. 48). A Certificate of Compliance must be transmitted to OAL by 4-2-2002 or emergency language will be repealed by operation of law on the following day.
9. Certificate of Compliance as to 11-2-2001 order, including amendment of definition of "Conditionally exempt small quantity universal waste generator," transmitted to OAL 12-27-2001 and filed 2-8-2002 (Register 2002, No. 6).
10. Amendment refiled 3-26-2002 as an emergency; operative 4-12-2002 (Register 2002, No. 13). A Certificate of Compliance must be transmitted to OAL by 8-12-2002 or emergency language will be repealed by operation of law on the following day.
11. Amendment refiled 8-6-2002 as an emergency; operative 8-6-2002 (Register 2002, No. 32). A Certificate of Compliance must be transmitted to OAL by 12-4-2002 or emergency language will be repealed by operation of law on the following day.
12. Amendment refiled 11-25-2002 as an emergency; operative 12-5-2002 (Register 2002, No. 48). A Certificate of Compliance must be transmitted to OAL by 4-4-2003 or emergency language will be repealed by operation of law on the following day.
13. Certificate of Compliance as to 11-25-2002 order, including further amendment of section and Note, transmitted to OAL 12-24-2002 and filed 2-3-2003 (Register 2003, No. 6).
14. Amendment of section and Note filed 2-13-2003; operative 3-15-2003 (Register 2003, No. 7).
15. Amendment of section and Note filed 6-7-2004 as an emergency; operative 6-7-2004 (Register 2004, No. 24). Pursuant to Public Resources Code section 42475.2, a Certificate of Compliance must be transmitted to OAL by 6-7-2006 or emergency language will be repealed by operation of law on the following day.
16. Amendment of section and Note refiled 6-5-2006 as an emergency, including further amendment of Note; operative 6-5-2006 (Register 2006, No. 23). Pursuant to Health and Safety Code section 25214.10.2, this emergency

regulation shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.

17. Amendment of section and Note refiled 5-8-2008 as an emergency; operative 5-8-2008 (Register 2008, No. 19). Pursuant to Health and Safety Code section 25214.10.2, this emergency regulation shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.

18. Certificate of Compliance as to 5-8-2008 order, including further amendment of section and Note, transmitted to OAL 12-19-2008 and filed 2-4-2009 (Register 2009, No. 6).

19. Editorial correction of History 18 (Register 2009, No. 10.)